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**JAN 18 2005**

**OFFICE OF PETITIONS**

In re Application of	:	
Kuberasampath et al.	:	
Application No. 09/597,517	:	ON PETITION
Filed: June 20, 2000	:	
Attorney Docket No. JJJ-P07-503	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 9, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely reply to the non-final Office action mailed November 27, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on February 28, 2004. A Notice of Abandonment was mailed June 1, 2004.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition<sup>2</sup> under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.

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<sup>1</sup> In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

<sup>2</sup> See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (1). As a response to the Office action, petitioner states that a continuation application was submitted. Unfortunately, the Office computer database records fail to disclose the filing of a continuation application on or around the time of filing of the instant petition to revive. **Accordingly, petitioner must state the application number of the continuation application in order that a proper decision on the merits of this petition may be given.**

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

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By fax:                        (703) 872-9306  
                                    ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.



Liana Chase  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: ROPES & GRAY LLP  
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